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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,191	04/10/2000	Kazunori Hashimoto	Q58786	2985

7590

09/24/2003

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EXAMINER

HOYE, MICHAEL W

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/546,191

Applicant(s)

HASHIMOTO, KAZUNORI

Examiner

Michael W. Hoye

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/24/03 have been fully considered but they are not persuasive.

Regarding independent claims 1 and 4, the Applicant argues that, "in the present invention, an area for [a] program is distinguished from another based on "an area code" transmitted from the digital head [end] that is separate and distinct from the "program data."

The applicant concludes that, "Eyer fails to teach the area code of claim 1 [and claim 4, and that...] the transmitting of an area code apart from the program data...is patentably distinct from the allegedly corresponding approach of Eyer."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an area for [a] program is distinguished from another based on "an area code" transmitted from the digital head [end] that is separate and distinct from the "program data) is not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Objections

Art Unit: 2614

2. Claim 5 is objected to because of the following informalities: in line 2 of the claim the word "pictures" should be --picture--, and in line 4 the words "end head" should be reversed to read --head end--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyer et al (USPN 6,160,545), cited by the examiner.

As to claim 1, note the Eyer et al reference which discloses a CATV conditional access system. The claimed digital head end for transmitting picture signals of digital programs to terminals provided in a plurality of areas is met by either of the multiplexer, modulator and encoder systems 100 or 140 (see Figs. 1 & 2, and col. 5, lines 45-53; col. 5, line 62 – col. 6, line 6; col. 6, lines 17-24; lines 32-35; col. 7, lines 1-2 & 65-67; col. 2, lines 30-31; and col. 5, lines 14-15). The claimed digital head end transmits both an area code and program data to the terminals employed in the plurality of areas is met by the packet stream that is transmitted from the headend to the set top boxes (STB) or integrated receiver decoders (IRD) 130 which includes region identifying data and Interactive Program Guide (IPG) data or program data (see Figs. 1-4 and col. 8, lines 43-52). The claimed said area code being used to recognize such an area to

Art Unit: 2614

which each of the terminals belongs is met by col. 8, lines 53-59. The claimed digital programs of not-yet-provided services in the respective areas being indicated to every area in said program data is met by the data received for programs services which are not defined or available to the receiver (col. 9, lines 24-29). The claimed each of the terminals identifies said area code with said program data so as to exclude a picture signal of a digital program of a not-yet-provided service in such an area to which the terminal belongs, from the picture signals of the digital programs transmitted from said digital head end is met by the IRD or terminal performs filtering to determine which portion of the programming services is needed, the data and services for the areas to which the terminal is not assigned is ignored or discarded (col. 6, lines 59-64).

As to claim 2, the claimed said terminal identifies said area code with said program data so as not to display a picture of a relevant digital program by not demultiplexing a multiplexed picture signal of said relevant digital program among a plurality of multiplexed digital picture signals is met by the IRD 130 (or terminal) performs filtering to determine which portions of the IPG (or EPG) data, programming service, and channel map is needed. The region and other data received from the headend for regions or areas other than the specific region to which the IRD or terminal is assigned and/or programming service that are not available to the IRD are ignored or discarded by the terminal. Based on the filtering of the IRD, the terminal will inherently not demultiplex a multiplexed picture signal of a digital program that is not applicable to the services provided in a region or area code (col. 6, lines 40-64; col. 8, lines 43-50; col. 9, lines 14-16 & 22-29; and col. 10, lines 54-56).

As to claim 3, the claimed said terminal identifies said area code with said program data so as to exclude electronic program guide (EPG) information related to the digital program of the

Art Unit: 2614

not-yet-provided service from EPG information transmitted from said digital head end is met by the IRD 130 or terminal performs filtering to determine which portions of the IPG or EPG are needed. The IPG data received from the headend for regions or areas other than the specific region to which the IRD or terminal is assigned are ignored or discarded by the terminal (col. 6, lines 59-64; col. 8, lines 43-50; col. 9, lines 14-16 & 22-29; and col. 10, lines 54-56).

As to claim 4, note the Eyer et al reference which discloses a CATV conditional access method. The claimed step of providing a digital head end for transmitting picture signals of digital programs to terminals provided in a plurality of areas is met by either of the multiplexer, modulator and encoder systems 100 or 140 (see Figs. 1 & 2, and col. 5, lines 45-53; col. 5, line 62 – col. 6, line 6; col. 6, lines 17-24; lines 32-35; col. 7, lines 1-2 & 65-67; col. 2, lines 30-31; and col. 5, lines 14-15). The claimed step of transmitting both an area code and program data to the terminals employed in the plurality of areas is met by the packet stream that is transmitted from the headend to the set top boxes (STB) or integrated receiver decoders (IRD) 130 which includes region identifying data and Interactive Program Guide (IPG) data or program data (see Figs. 1-4 and col. 8, lines 43-52). The claimed said area code being used to recognize such an area to which each of the terminals belongs is met by col. 8, lines 53-59. The claimed digital programs of not-yet-provided services in the respective areas being indicated to every area in said program data is met by the data received for programs services which are not defined or available to the receiver (col. 9, lines 24-29). The claimed step of identifying said area code with said program data so as to exclude a picture signal of a digital program of a not-yet-provided service in such an area to which the terminal belongs, from the picture signals of the digital programs transmitted from said digital head end is met by the IRD or terminal performs filtering

Art Unit: 2614

to determine which portion of the programming services is needed, the data and services for the areas to which the terminal is not assigned is ignored or discarded (col. 6, lines 59-64).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al.

As to claims 5-8, the claims are rejected in part for the same reasons given above in the rejection of claims 1-4 respectively. Eyer et al does not specifically disclose a plurality of analog head ends in the respective areas, each analog head end transmitting both the picture signals of digital programs transmitted from the digital head end and picture signals of analog programs to terminals belonging to each area... However, the examiner takes Official Notice that it is notoriously well known in the art of video distribution systems to include a central head end, such as, a digital head end, with a plurality of local or sub-head ends, such as, analog head ends, for the advantage of having a single national or central head end distribution center for transmitting video programming to local regions which may further distribute the video programming to a plurality of local and/or regional terminals, and in addition to, may add additional local and/or regional programming to the distributed video programming signals. Therefore, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to have included a plurality of analog head ends in the respective

Art Unit: 2614

areas, each analog head end transmitting both the picture signals of digital programs transmitted from the digital head end and picture signals of analog programs to terminals belonging to each area... for the advantages given above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

Michael W. Hoyer
September 19, 2003


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600